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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/592,156

06/12/2000

Leif Friman

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06/16/2004

EXAMINER

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LY, NGHI H

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TYSONS CORNER, VA 22182

ART UNIT

PAPER NUMBER

2686

8

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/592,156

**Applicant(s)**

FRIMAN ET AL.

**Examiner**

Nghi H. Ly

**Art Unit**

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 8 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim (claim 7). See MPEP § 608.01(n). Accordingly, the claim 8 has not been further treated on the merits.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yahagi (US 5,619,551).

Regarding claims 1, 4, 7, 9 and 10, Yahagi teaches a mobile system (see fig.4), which comprises a base station controller (BSC) (see fig.4, base station controller 2a or 2b) and at least a first and a second base station (BTS1, BTS2) (see fig.4, base stations 1a to 1f), which comprise transceiver units (TRX1 to TRX3) (see fig.4, base station 1a-1f inherently comprise transceiver units) for establishing a telecommunication connection by radio signals to the subscriber terminals located in the base station coverage area (see fig 4, wireless connection between base stations 1a-1f and mobile station 5) and switching means (S1 to S5) for switching the base station transceiver

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units onto a particular channel of a plurality of optional telecommunication channels between the base station controller (BSC) and the base stations (BTS1, BTS2) (see fig.4, network switching 4 and see column 2, lines 24-32), characterized in that the base station controller (BSC) comprises control means (1) which in call set-up allocate at least one of the telecommunication channels (CH1 to CH6) to the first (BTS1) or the second (BTS2) base station for the duration of the call (see column 2, lines 24-32, see "call channel") and which transmit a predetermined message indicating the allocated telecommunication channel to the base station to whom the channel is allocated (see FIG.4, see control message from Switch Controller to Network Switch 4 and see column 3, lines 33-35), and that the switching means (S1 to S5) of the first (see fig.4, Network Switch 4), and correspondingly, of the second base station (BTS1, BTS2) are responsive to the message for switching the base station transceiver units (TRX1 to TRX3) to the telecommunication channel (CH1 to CH6) assigned by the message (see FIG.4, see control message from Switch Controller to Network Switch 4 and see column 3, lines 33-35).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahagi (US 5,619,551) in view of Tiedemann et al (US 5,987,326).

Regarding claims 2 and 5, Yahagi teaches a method as claimed in claim 1 characterized in that the telecommunication channels are circuit-switched (see column 2, lines 24-35). Yahagi does not specifically disclose the telecommunication channels are classified on the basis of their characteristics into at least two categories, i.e. primary telecommunication channels and secondary telecommunication channels, and in call set-up, a primary telecommunication channel, if available, is allocated to the base station, otherwise a free secondary telecommunication channel is allocated thereto.

Tiedemann teaches the telecommunication channels are classified on the basis of their characteristics into at least two categories, i.e. primary telecommunication channels and secondary telecommunication channels, and in call set-up, a primary telecommunication channel, if available, is allocated to the base station, otherwise a

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free secondary telecommunication channel is allocated thereto (see column 8, lines 46-54 and see column 8, line 54 to column 9, line 4).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to provide the above teaching of Tiedemann into the system of Yahagi in order to reduce congestion.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yahagi (US 5,619,551) in view of Tiedemann et al (US 5,987,326) and further in view of Farias et al (US 4,891,806).

Regarding claim 3, the combination of Yahagi and Tiedemann teaches a method as claimed in claim 2. The combination of Yahagi and Tiedemann does not specifically disclose the free telecommunication channels are classified into categories on the basis of their data transmission capacity or quality such that the primary telecommunication channels have larger data transmission capacity or they are of better quality than the secondary telecommunication channels.

Farias teaches the free telecommunication channels are classified into categories on the basis of their data transmission capacity or quality such that the primary telecommunication channels have larger data transmission capacity or they are of better quality than the secondary telecommunication channels (see column 16, lines 36-42).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to provide the above teaching of Farias into the system of Yahagi and Tiedemann in order to maintain signal quality.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yahagi (US 5,619,551) in view of Farias et al (US 4,891,806).

Regarding claim 6, Yahagi teaches a mobile system as claimed in claim 4. Yahagi does not specifically disclose the primary telecommunication channels have larger data transmission capacity or they are of better quality than the secondary telecommunication channels.

Farias teaches the primary telecommunication channels have larger data transmission capacity or they are of better quality than the secondary telecommunication channels (see column 16, lines 36-42).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to provide the above teaching of Farias into the system of Yahagi in order to maintain signal quality.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Chevez, Jr. et al (US 5,530,945).

b. Galyas et al (US 6,139,020).

c. Ishikawa et al (US 5,640,678).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

1606  
06/11/04

  
CHARLES APPIAH  
PRIMARY EXAMINER